



Fairness: Perspective of a Steward

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The FSA Communications committee regrets that Bob McAuliffe's article was inadvertently left out of the most recent edition of Words & Vision. Here it is:

Fairness: Perspective of a Steward

Introduction

As a new steward, I have been getting to know others in the FSA and working towards developing a better understanding of some of the current issues we face. There were a few things that prompted me to put my name forward to help out as an FSA steward. In part, some of the recent policy grievances seem to have fostered a renewed vision from the point of view of the defense of members' rights. I believe that in some ways our member rights have begun to be better understood, and supported. The union is the sole and exclusive bargaining agent for its members. In this context bargaining agent means representative, and as I understand, applies to aspects both within and outside of the collective agreement. Examples outside of the collective agreement might include; support within resolution of a medical insurance provider issue; support during a human rights complaint investigation; support within a routine meeting with management, and the list goes on.

When considering the role of the union as sole and exclusive bargaining agent, the concept of "fairness" comes to mind as an important, overarching and recurring theme, and in a number of different ways.

The right to fair representation

At UFV I have heard of instances where management asserts that you can't have an FSA rep attend a meeting with you along the lines of: because it is not FSA business. First, it is simply not something for management to decide on, and second, it is not management's role – or shall I so boldly say business - to determine for a member what constitutes a union issue for the member.

The faculty association at UBC, the UBC FA, makes the following commitment to its members, stated in part: The Faculty Association is your legal representative in all employment-related matters. This means that you have the right to: request that the Association officially represent you in any dealing with the university administration.

Ref: <http://www.facultyassociation.ubc.ca/services-and-assistance/workplace-problems/>

All employment-related matters and any dealing! I wonder how many stewards they have? The point is; that indeed it is your right.

The right to procedural fairness and natural justice

These are basic principles that members ought to be able to count on within the many processes in which we sometimes find ourselves involved. This can include cases of student misconduct, student grade appeals, and most importantly cases of discipline, disciplinary investigation, and perhaps to a lesser extent the grievance process.

There are many reference materials that outline and describe these basic definitions, so there is not much point in attempting to describe them here. It may be more useful to put forward one or two contradictions to these principles that I have encountered. In some cases it seems that these principles could be better understood; not only in cases involving investigation in various student based processes, but also for

investigations that are related to discipline.

At one level, it seems obvious that someone accused of something should 1) know the allegations against them, 2) be provided opportunity to present counter-arguments to any and all evidence, and 3) be afforded a decision making process that is free of bias. In contrast, a fishing expedition is usually along the lines of suspicion/decision first, and that is then followed by an investigation to find a supportive, required, and selective fact set. I'm not saying this occurs at UFV. I am saying that when the same individual makes the allegation, investigates, and then makes the decision, unfairness can feel and seem more likely than it might otherwise. Nor am I saying that ultimate and complete fairness is an easy thing to accomplish. Fairness in process can indeed be burdensome. As steward, I will strive toward improving it wherever I can.

Teaching Faculty Workload Assignment – fairness and transparency

The details of fairness in this context are quite a different thing. Yet an important issue just the same, and perhaps more so for some faculty sub-groups than others within a scheduling unit. There is an inherent circumstance for sessional faculty that seems to be potentially problematic, and specifically where the FSA may have an important support role to offer and provide. As I understand it, in most cases, the same individuals that assign sessional work are also the arbiters of potential disputes arising. In some cases this may put sessional faculty members in an awkward spot if it is the case that an irregularity is noticed. This is a point of particular interest as I take on my new role as steward.

The counter argument – in closing

Is there really any ultimate fairness at all? Probably not. And those that expect it too much and too often are just whiners, are they not? A few recent counter arguments that come to mind; didn't your mother ever tell you that life isn't fair; best to just keep your head down; and, suck it up. Similarly, "next time" it will be better, with an implied fairness improvement. So yes, there are trade-offs, and ultimate fairness seems nonexistent. And not to mention that in some cases it might just be too process intensive. As steward, I hope to strive for some balance. At present, and although I can't be sure, I'm leaning towards the possibility that a bit more fairness might not be an unreasonable goal.